

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

In re Tyco International, Ltd.
Multidistrict Litigation (MDL 1335)

MDL DOCKET NO. 02-1335-B
SECURITIES CATEGORY

State of New Jersey, et al.
v.
Tyco International, Ltd., et al.

Civil No. 03-1337-B

O R D E R

Plaintiffs seek permission to amend their complaint for a fourth time to revive inadequately pleaded claims that I dismissed in a June 11, 2007 Memorandum and Order. I deny their request.

This case is five years old. Plaintiffs have amended their complaint on three prior occasions. The information they now seek to add to the complaint has been available since the case was filed. Plaintiffs have offered no legitimate reason for their failure to plead the information in any of their prior versions of the complaint. They have waited, without justification, until after the court dismissed the claims they now seek to revive. Discovery in this case is nearly complete. If I allow the amendments, discovery would have to be reopened, and defendants would have to revise their litigation strategy

significantly to respond to the amendments. As a result, the resolution of the case will be substantially delayed and the cost of defending the action, which is already astronomical, will rise considerably. In short, there is simply no good reason to allow the plaintiffs' eleventh-hour amendment.

The New Jersey Fund Plaintiffs' Motion to Amend (Doc. No. 1065) is denied.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

December 19, 2007

cc: Counsel of Record